

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION AT JACKSON**

VALLENA GREER

PLAINTIFF

VS.

CAUSE NO. 3:21-cv-526-HTW-LGI

**KROGER LIMITED PARTNERSHIP I
AND JOHN DOES 1-10**

DEFENDANTS

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Kroger Limited Partnership I, (sometimes hereinafter referred to as “Kroger” or “Kroger Defendant”), by and through counsel, has removed this action pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and other applicable law, from the Circuit Court of the First Judicial District of Hinds County, Mississippi, (Civil Cause No. 21-370 (MEC Case Number: 25CI1:21-cv-00370-TTG)) to the United States District Court for the Southern District of Mississippi, Northern Division, located at Jackson, MS. The basis for removal is diversity of citizenship.

Nature of the Civil Action Removed

1.

On June 11, 2021 the Plaintiff filed the Complaint in the above referenced civil action, which for the first time gave notice that claims were being asserted against this defendant, Kroger Limited Partnership I. This Defendant was served with copies of the Summons and Complaint on July 14, 2021. This lawsuit first became removable to this Court at that time. A copy of the Plaintiff’s Complaint filed with the Clerk of the Hinds County Circuit Court, Mississippi, along with all process, pleadings and orders is attached hereto as **Exhibit “A”** and incorporated herein by reference.

2.

The Complaint alleges that this lawsuit arose out of a slip and fall in an unknown liquid substance while on the premises of the Kroger store located at 4910 I-55, Jackson, Mississippi, on October 6, 2018. Plaintiff claims she sustained injuries to her neck, back and right hip. The Complaint alleges negligence and seeks damages including actual, compensatory, consequential, and incidental damages for physical injuries; past, present, and future physical and emotional pain and suffering, past, present, and future medical expenses; and any other special damages that may be incurred by the Plaintiff, together with attorney fees, costs of suit and any further relief as the Court may deem proper.” See Complaint [Doc. #2] at ¶ 11. Plaintiff also claims damages for past, present and future loss of enjoyment of life; permanent physical restrictions, limitations, and/or disability; loss of earning; loss of the ability to earn money; aggravation of pre-existing condition; and any other damages allowed by Mississippi law.” *Id.* at ¶ 17.

Removal Based on Diversity of Citizenship

3.

Taking the allegations of the Complaint as true, Plaintiff is an adult resident citizen of Hinds County, Mississippi.

4.

Kroger Limited Partnership I, is an entity formed under the laws of the State of Ohio with its principal place of business located within the State of Ohio. Kroger Limited Partnership I, operates the grocery store in question. Further, Defendant provides the following CORPORATE DISCLOSURE STATEMENT for KROGER LIMITED PARTNERSHIP I. The partners of Kroger Limited Partnership I are: KRGP Inc. is the general partner. It is an Ohio Corporation with Ohio citizenship. There are no parent corporations nor any publicly held corporations which own ten percent (10%) or more of its stock. The Kroger Co. is the limited partner. It is an Ohio

Corporation with Ohio citizenship. There are no parent corporations nor any publicly held corporations which own ten percent (10%) or more of its stock. All Defendants required for removal have consented to and/or joined in this removal.

5.

Pursuant to 28 U.S.C. § 1332 and § 1441, this Court has original subject matter jurisdiction over the present action based on diversity of citizenship, in that it is a civil action where the matter in controversy is between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. The Complaint was not filed in Hinds County Court with limited jurisdiction, but was filed and alleges and demands an unlimited amount of recovery of damages for personal injuries and past, present and future medical treatment, in the Circuit Court of Hinds County, Mississippi.

6.

Pursuant to 28 U.S.C. § 1441, the United States District Court for the Southern District of Mississippi, Northern Division at Jackson, is the federal district court for the district and division embracing the place where the state court suit is pending.

7.

**Notice to Adverse Parties and the
Clerk of the Circuit Court, Hinds County, Mississippi**

8.

The removing defendant hereby certifies that written notice of the filing of this NOTICE OF REMOVAL has been served upon all adverse parties and a copy will be filed with the Clerk of the Circuit Court of Hinds County, Mississippi, thereby effecting the removal of this action to this Court. Pursuant to 28 U.S.C. § 1446(d) notice is hereby given that the state court action shall proceed no further unless and until the case is remanded.

WHEREFORE, PREMISES CONSIDERED, the removing Defendant files this NOTICE OF REMOVAL with the United States District Court for the Southern District of Mississippi, Northern Division at Jackson, and respectfully prays that this Court will proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the Circuit Court of Hinds County, Mississippi, shall proceed no further unless and until the case is remanded thereto.

RESPECTFULLY SUBMITTED, this the 13th day of August, 2021.

FOR: **Kroger Limited Partnership I**

BY: /s/ Michael E. Phillips
Michael E. Phillips

OF COUNSEL:

Michael E. Phillips, Esq. (MSB #100119)

Claire K. Robinett, Esq. (MSB #104984)

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CERTIFICATE OF SERVICE

I, the undersigned attorney of record, do hereby certify that I have this day served a true and correct copy of the foregoing NOTICE OF REMOVAL via the ECF and MEC systems upon the following:

Harry McCumber (MSB #10632)
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ATTORNEY FOR PLAINTIFF

Hon. Zack Wallace
Circuit Clerk of Hinds County
HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT
Circuit Clerk's Office
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Jackson, MS 39205
Phone: (601) 968-6628
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E-mail: zwallace@co.hinds.ms.us

THIS, the 13th day of August, 2021.

BY: /s/ Michael E. Phillips
Michael E. Phillips